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FEDERAL COMMUNICATIONS COMMISSION  
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Ms. Donna M. Searcy  
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Federal Communications Commission  
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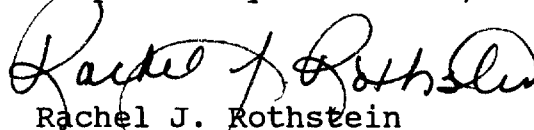
Dear Ms. Searcy:

On behalf of U.S. Long Distance, Inc. attached please find an original and nine copies of "Comments of U.S. Long Distance, Inc." in CC Docket No. 92-77.

We ask that these comments be accepted as a substitute to the Comments filed by U.S. Long Distance, Inc. in this proceeding on July 7. The substitute corrects several typographical and grammatical errors.

Should any questions arise concerning this matter, please do not hesitate to contact me.

Respectfully submitted,

  
Rachel J. Rothstein

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of  
Billed Party Preference  
for 0+ InterLATA Calls

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

CC Docket No. 92-77

COMMENTS OF U.S. LONG DISTANCE, INC.

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July 7, 1992

## TABLE OF CONTENTS

	<u>Page</u>
Summary . . . . .	i
I. INTRODUCTION AND BACKGROUND . . . . .	2
A. Statement of Interest . . . . .	2
B. Procedural History . . . . .	2
C. Existing Operator Assisted Calling Procedures .	6
1. Dial "0" Calls . . . . .	7
2. Access Code Calls . . . . .	8
II. OVER 60 PERCENT OF OPERATOR ASSISTED CALLS WILL NOT DERIVE A BENEFIT FROM BPP . . . . .	8
III. BILLED PARTY PREFERENCE WILL INCREASE, NOT DECREASE, CONSUMER CONFUSION AND INCONVENIENCE. . . . .	9
A. BPP Will Result In Confusion and Delay Through Duplication of Operator Functions for 50 Percent of "0+" Calls . . . .	9
B. Billed Party Preference Would Require Millions of Consumers to Obtain New Calling Cards . . . . .	11
IV. BPP WILL BE EXTRAORDINARILY EXPENSIVE TO IMPLEMENT . . . . .	11
A. BPP Network Costs Are Huge . . . . .	11
B. BPP Implementation Expenses Also Must Be Considered . . . . .	13
C. BPP Will Result in Substantial Stranded Investment . . . . .	14
V. MANDATORY USE OF BILLED PARTY PREFERENCE WILL STIFLE INNOVATION AND TECHNOLOGICAL DEVELOPMENT AND HARM COMPETITION . . . . .	15
VI. THE BENEFITS OF BPP CAN BE ACHIEVED IN LESS COSTLY WAYS . . . . .	17

Page

VII. THE BPP PROPOSAL ADDRESSES A MINOR PROBLEM . . . . .	18
VIII.CONCLUSION . . . . .	21

### Summary

A system of billed party preference ("BPP") would enable all calls dialed on a "0+" basis to be routed to an operator service provider ("OSP") preselected by the party paying for the call, rather than to the OSP chosen by the owner of the telephone from which the call was placed. USLD believes that this system, while superficially appealing, suffers from several fatal flaws that should prevent Commission adoption.

Importantly, BPP will benefit only a small percentage of the total interLATA operator services traffic. Because of AT&T's overwhelming dominance in the operator services and payphone markets, approximately 60 percent of all automated calls already match the caller with his "preferred" carrier.

Out of the remaining "0+" call attempts, half are calls that require live operator assistance -- collect or third number billed. BPP will actually have an unintended negative effect on these calls -- the need to interact with two operators instead of one. Because all calls will be sent to the LEC OSS for routing, the operator will need to obtain information sufficient to route the call to the appropriate carrier. Once the caller is connected to the proper OSP, he will need to give the identical information to the OSP for call routing and completion. For this traffic, BPP will make calls significantly more confusing than under the current system.

Moreover, BPP will be extremely costly to implement. LECs must develop new software and install new equipment at a tremendous cost. OSPs must endure the expense of reissuing calling cards and revamping their own system to become compatible with BPP. All of these costs will drive operator service rates upward. Additionally, the Commission must recognize the millions of dollars of stranded investment of OSP aggregators that will result from implementation of a BPP system. Many of these entities have invested in costly equipment to implement the Commission's operator services unblocking requirements and have expended significant amounts to educate the public about their operator services. A BPP system will render these costs useless.

Finally, Commission implementation of a BPP system will freeze technology and expand the LEC monopoly. Costly new "store and forward" technology will be rendered useless because all "0" calls will be processed at the LEC operator service center, thereby solidifying the LEC's monopoly over the operator services market.

All of these concerns must be balanced by the Commission against the benefits to be derived from a BPP system. Given that only 40 percent of the operator service calls will be affected -- and half of those in an adverse fashion -- USLD believes that BPP is not an effective way to achieve the Commission's stated goals. The Commission should therefore decline to adopt the BPP proposal.

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**COMMENTS OF U.S. LONG DISTANCE, INC.**

<sup>1</sup> Billed Party Preference for 0+ InterLATA Calls, CC Docket No. 92-77, (rel. May 8, 1992) (hereinafter "Notice").

## I. INTRODUCTION AND BACKGROUND

### A. Statement of Interest

U.S. Long Distance Corporation, is the parent company of three organizations which would be directly and immediately affected by the implementation of billed party preference. USLD, Inc. is a long distance carrier providing operator assisted calling services to aggregators, including hotels, hospitals and private pay telephone owners. National Telephone Exchange, Inc., is a long distance carrier providing "1+" services and "1-800" access code travel card capabilities to business and residential subscribers. Zero Plus Dialing, Inc., is a billing clearinghouse, providing bill processing and clearinghouse functions to operator service providers ("OSPs") and "1+" interexchange carriers ("IXCs") throughout the U.S. Each of these companies has a vital interest in the outcome of this proceeding.

### B. Procedural History

On April 14, 1989, Bell Atlantic filed a Petition for Rulemaking requesting the Commission to prescribe a system of "mandatory billed party preference at pay telephones in equal access territories."<sup>2</sup> In its Petition, Bell Atlantic

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<sup>2</sup> Petition for Rulemaking, RM 6723, filed by Bell Atlantic, April 14, 1989, at 9.



contended that the Bell Operating Companies ("BOCs") and General Telephone Operating Companies ("GTOCs") are obliged by a United States District Court decision to "work towards deploying billed party preference because it is the only method for providing truly equal access from public telephones."<sup>3</sup> The Petition addressed BPP in relation to public and private pay telephones, claiming that although this obligation was imposed by the Court only upon BOCs and GTOCs, failure to apply the system to all pay telephones would seriously inhibit the BOC's and GTOC's ability to compete with private pay telephone companies for customer premise locations.

As the record in that proceeding clearly indicated, however, the Court in fact had not obliged BOCs and GTOCs to commence with the implementation of a BPP system. Moreover, the comments clearly demonstrated the problems inherent in a BPP system, and urged the Commission to consider whether the proposed benefits would be outweighed by the considerable costs and burdens associated with implementation of such a system.

On October 9, 1991, the FCC released an Order Inviting Comments to Supplement the Record<sup>4</sup> in light of the many

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<sup>3</sup> Id. at 1.

<sup>4</sup> Bell Atlantic Telephone Companies Petition to Establish Uniform Dialing Plan From Pay Telephones, Rm 6723, (rel. Oct. 9, 1991).

developments that had occurred in the telecommunications industry, including the enactment of the Telephone Operator Consumer Services Improvement Act of 1990 ("TOCSIA").<sup>5</sup> Under TOCSIA, public telephone owners were required to make significant modifications to their equipment in order to enhance the consumer's awareness of the OSP presubscribed to carry "0+" calls from their equipment, as well as the consumer's right and ability to reach the alternate carrier of his choice.

Thereafter, beginning in late 1991, AT&T initiated a campaign to issue 40 million proprietary "0+" calling cards. These card issuer identification ("CIID") calling cards can be validated and billed for intraLATA calling by all 1400 LECs for intraLATA calls, but only by AT&T for interLATA calls. Because AT&T's CIID cards work as "0+" cards for all intraLATA calls and for interLATA calls from about 80 percent of public telephones (all those presubscribed to AT&T), CIID cardholders are accustomed to dialing "0+" on their first call attempt from any location. InterLATA calls from one of the 20 percent of aggregator locations presubscribed to another interexchange carrier, however, cannot be processed as "0+" calls due to AT&T's refusal to permit validation or billing by other long distance carriers. Callers must provide another billing mechanism (i.e., commercial credit

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<sup>5</sup> 47 U.S.C. § 226 (1991).

card or reversing the charges) or redial using AT&T's "10288" access code. These failed attempts at "0+" dialing confuse and frustrate AT&T's consumers and impose large and unnecessary costs on AT&T's competitors. The regulatory controversy caused by AT&T's CIID card strategy apparently caused the Commission to revive its interest in the BPP system because BPP combines "0+" dialing with proprietary calling cards.

Taking these developments into consideration, on May 8, 1992, the FCC released an NPRM in which it requested comment on the proposed implementation of a BPP system for "0+" interLATA calls. The NPRM tentatively concluded that:

[I]n concept, a nationwide system of billed party preference for all "0+" interLATA calls is in the public interest. It appears that billed party preference could benefit the end users of operator services by implementing the billed party's choice of carrier without complicated dialing requirements on "0" calls and by redirecting the focus of OSP competition for public phone traffic towards the end user and away from the recipient of "0+" commissions.<sup>6</sup>

Specifically, the Commission seeks comment on the benefits and costs of a BPP system.

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<sup>6</sup> Notice at 13.

C. Existing Operator Assisted Calling Procedures

The vast majority of "operator assisted" calls today are made in order to bill the call to some account other than the originating telephone number. This alternate billing can be accomplished in one of two basic ways. If the caller wishes to use a "0" method of billing, he can utilize a local exchange telephone company ("LEC") calling card (or an AT&T CIID card from AT&T served locations) or he can place a collect or third party billed call. These calls generally will be billed by the LEC. If the caller wishes to use an account which he has established with a specific OSP, he can dial that carrier's access code (e.g., "950" or "1-800"), input his account number, and dial the terminating number. These calls usually will be billed by the OSP in the same manner that it bills "1+" calls.

The BPP proposal seeks to combine these two types of calling patterns into a single hybrid. In its most idealized version, callers can enjoy the convenience of "0+" dialing and the certainty of carrier selection. The complex variations in operator assisted call types, however, turn this simple idea into a complicated and costly undertaking for carriers and consumers.

## 1. Dial "0" Calls

Fully automated calling card calls are often referred to as "0+" calls. Essentially, this means that no live operator assistance is required. Such calls account for about 50 percent of all "0+" calling. After dialing "0" plus the terminating telephone number, the caller will receive a "bong" tone from the OSP, after which the OSP will identify itself. If the caller is using a "LEC joint use" card, he then simply enters the card number and the call will be completed regardless of who the presubscribed OSP is or whether the call is interLATA or intraLATA.

The other one-half of interLATA operator service calls made today are "0-" calls or "0" calls, both of which require live operators for call completion. In a "0-" call, the caller dials "0" plus telephone number and then waits for the intervention of a live operator for call completion. Most often, these are collect or third-number billed calls, or calls made by consumers that do not have a calling card. A "0" call involves simply dialing "0" and awaiting operator assistance.

A BPP system will substantially hinder the way "0" dialed calls are made. On "0-" and "0" calls, consumers would be required to give the telephone number and billing information twice -- once to the LEC operator for routing and then again to the OSP operator for call validation and

completion. While BPP thus will route the call to the OSP chosen by the billed party, it does so at the expense of substantial delay in call processing and consumer confusion.

## **2. Access Code Calls**

Dozens of OSPs, including USLD, have issued millions of access code-type calling cards. Users of these cards typically must dial a "950," "1-800" or "10XXX" number for network access, followed by an identification number and the terminating telephone number. For issuers of access code calling cards to take advantage of BPP, all of their outstanding cards would need to be reissued in a "CIID" or "891" card format, and their customers would need to be instructed on the new card number and dialing pattern.

## **II. OVER 60 PERCENT OF OPERATOR ASSISTED CALLS WILL NOT DERIVE A BENEFIT FROM BPP**

While competitive carriers have succeeded in educating their customers in the use of access code dialing, AT&T customers usually do not even need access codes under the present presubscription system. Under the current scheme, approximately 60 percent of all "0+" calls currently match an AT&T customer with his preferred carrier. While this number might appear unexpectedly high, it simply is reflective of AT&T's overwhelming dominance in the payphone and operator services market. Today, AT&T carries approximately 80

percent of all operator calls, and is the presubscribed carrier at 75 percent of the aggregator and payphone locations. Thus, statistically 60 percent (75 percent X 80 percent) of the time the presubscribed carrier (AT&T) will be the calling party's carrier of choice.

In short, the only "problem" which BPP solves is the need for consumers who prefer a specific carrier to dial a five, seven or ten digit access code on 40 percent of their calls. Other than the avoidance of access codes on a minority of calls, BPP offers no tangible benefit. Furthermore, as the remainder of these comments demonstrate, BPP causes more serious problems than it solves -- all at a very steep price to both carriers and consumers.

### **III. BILLED PARTY PREFERENCE WILL INCREASE, NOT DECREASE, CONSUMER CONFUSION AND INCONVENIENCE**

#### **A. BPP Will Result In Confusion and Delay Through Duplication of Operator Functions for 50 Percent of "0+" Calls**

Nearly 50 percent of all operator assisted calls are of the "0-" or "0" categories. Usually, these calls are made by parties that do not have a calling card or who wish to make a collect or third-party billed call. Currently, these calls are routed to the carrier presubscribed to the telephone, and then handled by that OSP. However, because BPP will result in all operator calls being routed to the LEC operator

service system ("OSS"), these callers will have to interface with, and give duplicative information to, two operators -- the LEC for routing purposes, and the IXC/OSP for validation and billing purposes. This duplication will result in delayed processing times and greater costs to end users, inevitably causing frustration and confusion.

Currently, callers wishing to place a collect or third number billed call will dial "0" plus the terminating telephone number. When the consumer fails to enter additional information after the tone, an operator from the OSP presubscribed to the phone will come on the line and assist the consumer with the call. Because the call is automatically routed to the carrier presubscribed to the phone, there is no need for a LEC operator.

Under BPP, all "0-" calls will initially be routed to the LEC operator in order to determine the nature of the call and the billed party's "preferred" OSP. The LEC then transfers the call to the OSP for call routing and completion. Once received by the OSP, however, the OSP's operator again needs to query the caller regarding the calling card, third number or collect number in order to obtain the appropriate billing information and complete the call.

In short, BPP will result in significant additional call processing delay for approximately one-half of all operator



assisted calls. Callers will be forced to furnish almost identical information twice, resulting in customer inconvenience and frustration. Moreover, this duplication -- while possibly resulting in a windfall for the LECs -- will increase the ultimate cost of operator assisted calls.

**B. Billed Party Preference Would Require Millions of Consumers to Obtain New Calling Cards**

As the Commission notes, under a BPP system, OSPs wishing to issue their own "0+" calling cards would have to use either a "CIID" or "891" card format. The Commission must realize, however, that these card formats are not currently commonly used. In fact, at this time only AT&T uses either of these formats to any significant degree. The millions of cards already issued by other carriers will become obsolete and have to be replaced. This of course, will require substantial expenditures by card issuers. Perhaps more importantly, cardholders will be inconvenienced substantially because they will be required to learn new dialing procedures and memorize new card numbers.

#### IV. BPP WILL BE EXTRAORDINARILY EXPENSIVE TO IMPLEMENT

##### A. BPP Network Costs Are Huge

Bell Atlantic, the BOC whose Petition prompted initiation of this rulemaking, originally estimated that a BPP system for "0+" interLATA payphone traffic would cost \$150 million for implementation by the BOCs and GTE.<sup>7</sup> PacTel has estimated that BPP for all "0+" and "0-" calls would cost in excess of \$200 million for its region alone.<sup>8</sup> Moreover, the Commission should recognize that incentives clearly exist for the LECs to be conservative in their assessments. AT&T estimated that deployment of a BPP system would cost more than \$560 million.<sup>9</sup>

Obviously these wide-ranging estimates should alert the Commission to the fact that an accurate estimate on creation and deployment of a BPP system will be virtually impossible. What is evident, however, is that the costs of a BPP system will be enormous, with end users forced to absorb these expenditures in the form of higher rates. The Commission should therefore obtain specific, detailed proposals from all carriers, including a determination of how these costs would

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<sup>7</sup> Bell Atlantic Comments at 2. This estimate does not include costs for implementation for the over 1400 other LECs or the costs to IXC's and aggregators.

<sup>8</sup> PacTel Supplemental Reply Comments at 4.

<sup>9</sup> AT&T Supplemental Comments at 3.

be recovered, before implementing a BPP system. Moreover, the Commission also should consider the substantial ongoing operational expenses associated with implementation of this type of system.

Whatever the total cost of a BPP system, the per call impact should be measured only in comparison to the benefitted calls, rather than allocated to all operator services calls across the board. As explained above, less than 40 percent of "0+" call attempts will be affected in any significant manner by the installation of BPP. In other words, because only two in five calls in the presubscribed environment would realize the intended benefits of a change to the BPP system, the costs of implementation should be assessed only in relation to these calls. Thus, the method to measure the proper per call value of BPP in comparison to presubscription is to divide the total costs by a number equal to 40 percent of total "0+" calls.

**B. BPP Implementation Expenses Also Must Be Considered**

BPP does not merely call for investment in network facilities and intelligence. BPP is intended to bring decision making capability to the consuming public through some sort of carrier selection process. Thus, if BPP is implemented, expensive marketing and advertising campaigns will be required prior to the balloting or polling process.

This marketing activity will surely result in substantial costs for OSPs and LECs alike.

**C. BPP Will Result in Substantial Stranded Investment**

OSP's and aggregators have already undertaken costly and burdensome hardware and other changes in order to comply with TOCSIA and the Commission's rules implementing the legislation. However, because these entities were anxious to inform the public about the benefits of their services, and to ensure that the public has sufficient information to make informed purchase decisions, both industries have promptly complied with the Commission's requirements. Because BPP would substantially alter the calling patterns for operator service calls, adoption of BPP would render much of this expenditure useless.

Substantial amounts of hardware would be rendered obsolete as well. For example, implementation of a BPP system would result in tens or even hundreds of millions of dollars of stranded investment in new "store and forward" technology. This type of equipment allows callers to complete calling card, collect and third number billed calls without ever having to communicate with a live telephone operator. The intelligence to complete these calls is contained within the telephone equipment, which is capable of recording the billing information, querying the appropriate

validation databases, and completing the call. This technology is most prevalent in customer-owned coin operated telephones ("COCOTs"), although it is currently gaining growing acceptance at hotels and other aggregator locations.

Because BPP would require the billed party's OSP selection to be stored at the LEC OSS, the 'smart' technology contained in these telephones would be rendered obsolete. All operator calls would have to be sent to the LEC OSS for carrier routing, regardless of whether the call could have previously been completed without LEC assistance. Thus, the store and forward technology which makes these telephones unique would be rendered useless.

Moreover, the Commission must consider the cost of the default of thousands of commercial loans made to finance these "smart" pay telephones. Manufacturers of this equipment will be left with millions of dollars of worthless inventory. Hotels, having invested in state of the art PBX systems or call accounting systems will find themselves encumbered with expensive investments -- unable to be utilized to recover any revenues.

**V. MANDATORY USE OF BILLED PARTY PREFERENCE WILL STIFLE INNOVATION AND TECHNOLOGICAL DEVELOPMENT AND HARM COMPETITION**

Mandatory implementation of a BPP system also would impede the development of new technology. A LEC-based BPP

system is inherently a network-based approach; by making it mandatory the Commission would be issuing a regulatory fiat to reverse the technological trend toward increased intelligence in CPE.

As described above, sophisticated payphone and PBX technology which enables the CPE to provide long tone, validate calling cards and route calls via the CPE owner's resale has become widespread. BPP would require that all calls be sent directly to the LEC and then on to a "preferred" OSP. The resale activities which support the store-and-forward technology would therefore be made impossible by BPP. This situation is analogous to the BOCs convincing the FCC to make Centrex service mandatory, essentially outlawing the PBX.

This Centrex-PBX analogy also highlights the harmful effects which such action will have on the marketplace. Innovation will be stifled as an area now subject to much competitive activity -- the automated operator processing function -- is removed from the competitive sphere and relegated to the LEC monopoly. The marketplace will surely react to the strong signal sent by the Commission's willingness to condemn this promising new technology, and the large investment underlying it, with little warning. Future investors and entrepreneurs will think twice before entering into activities touched upon by the FCC.

Competition in the payphone field also likely will be eliminated by BPP. Private pay telephone owners depend upon the payment of "0+" commissions by OSPs for survival. Such OSP commissions will disappear in a BPP environment.

Premise owners will lose any incentive to allow pay telephones to be installed on their property, and help maintain those pay telephones that are already installed. Therefore, not only will the proliferation of privately owned, publicly available telephones grind to a halt, those remaining pay telephones are more likely to fall into disrepair. End users away from their homes may have to rent a hotel suite in order to find a telephone that provides them the ability to call home.

Hotels and hospitals will be affected as well, since their "0+" revenue stream would be discontinued. These aggregators will be forced to choose between raising other charges to all guests/patients to cover their lost source of income, or discontinue providing their guests/patients with the alternative of billing an originating long distance call to someplace other than their room.

The development of intraLATA competition also will be retarded by BPP. By requiring all calls to be screened by the LEC, the BPP system will allow LECs to take all the intraLATA calls for themselves. Even where intraLATA competition is now permitted, BPP would curtail it severely.

#### **VI. THE BENEFITS OF BPP CAN BE ACHIEVED IN LESS COSTLY WAYS**

As described above, the sole benefit of a BPP system over presubscription is to enable an end user to access his designated OSP without having to dial any type of access code. The consumer would simply dial "0," the called number and the card number, and have the call transmitted by the carrier selected by the party to be billed for the call. This dialing scheme can be closely approximated in today's market, however, by barring the further issuance of proprietary "0+" calling cards and mandating that AT&T provide validation and BNA in conjunction with the proprietary "0+" cards it has already issued.

#### **VII. THE BPP PROPOSAL ADDRESSES A MINOR PROBLEM**

The NPRM initiating this docket refers to consumer confusion and frustration and proposes BPP as a more "user friendly" approach. In fact, as the above description demonstrates, the only sizable group of confused consumers are those AT&T customers who were told that government regulations required them to destroy their old universally accepted calling cards and replace them with new "0+" CIID cards. These consumers are confused because they were told that the card would ensure AT&T service, which most believed meant AT&T network routing rather than simply the inoperability of "0+" dialing unless AT&T is the



presubscribed carrier. Until AT&T combined the mutually exclusive concepts of universal "0+" dialing with proprietary validation and billing, most consumers understood the system well. This problem is separately addressed in an expedited proceeding created in this docket. When the Commission restores the universality of "0+" calling by enforcing the logical separation of "0+" dialing and proprietary calling cards, all significant consumer confusion will be rectified without the need for implementation of BPP.

This system works well for consumers because Congress and the Commission have taken great pains to remedy the consumer problems encountered in the existing presubscription "0+" marketplace. TOSCIA required the Commission to order either the unblocking of "10XXX" codes at all aggregator locations or mandate that carriers develop "1-800" or "950" access code numbers. Pursuant to the legislation, the Commission has required payphone providers to unblock equal access codes and directed<sup>10</sup> OSPs to provide for "1-800" or "950" access.

Consumers have become well versed in how to use their IXC or LEC calling cards to complete interLATA calls. Most IXC calling cards prominently display a universal "1-800" or

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<sup>10</sup> The Commission has recently deferred some of its unblocking deadlines pending deployment of new technology to prevent toll fraud. See Report No. DC-2144, CC Docket No. 91-35 (rel. June 25, 1992).